

# **EXHIBIT 1**

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21SL-CC03315 - ELLEN HANNA V SUNRISE SENIOR LIVING MANAGEMENT,  
IN (E-CASE)

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- 08/09/2021 ☐ [Notice of Service](#)  
Return of Service.  
**Filed By:** JERROLD RUSSELL BURKHART  
**On Behalf Of:** ELLEN HANNA
- ☐ **Agent Served**  
Document ID - 21-SMCC-6434; Served To - SUNRISE SENIOR LIVING MANAGEMENT, INC.; Server - ;  
Served Date - 05-AUG-21; Served Time - 00:00:00; Service Type - Special Process Server; Reason  
Description - Served
- 07/26/2021 ☐ [Summons Issued-Circuit](#)  
Document ID: 21-SMCC-6434, for SUNRISE SENIOR LIVING MANAGEMENT, INC..Summons Attached  
in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.
- 07/23/2021 ☐ **Filing Info Sheet eFiling**  
**Filed By:** JERROLD RUSSELL BURKHART
- ☐ [Motion Special Process Server](#)  
Motion for Special Process Server.  
**Filed By:** JERROLD RUSSELL BURKHART  
**On Behalf Of:** ELLEN HANNA
- ☐ **Confidential Address Filed**  
Case Filing Sheet.  
**Filed By:** JERROLD RUSSELL BURKHART
- ☐ [Pet Filed in Circuit Ct](#)  
Petition.  
**Filed By:** JERROLD RUSSELL BURKHART
- ☐ **Judge Assigned**  
DIV 14

STATE OF MISSOURI     )  
                                       )  
                                       )     SS.  
 COUNTY OF ST. LOUIS    )

**IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
 STATE OF MISSOURI**

ELLEN HANNA,	)	
	)	
Plaintiff,	)	Cause:
	)	
v.	)	Division No:
	)	
SUNRISE SENIOR LIVING MANAGEMENT, INC.	)	
	)	
Defendant.	)	
	)	
Serve Registered Agent:	)	
C T CORPORATION SYSTEM	)	
120 South Central Avenue	)	
Clayton, MO 63105	)	

**PETITION FOR NEGLIGENCE AND WRONGFUL DEATH**

COMES NOW Petitioner, Ellen Hanna and as for her Petition for Wrongful  
 Death, state as follows:

**ALLEGATION COMMON TO ALL COUNTS**

1. Plaintiff (herein referred to as “Ms. Hanna”) is an individual residing in Saint Louis County and at all times material hereto was the natural daughter of Margaret Kovacevich (herein referred to as “Margaret”).)

2. Margaret was the mother of Ms. Hanna. Margaret suffered from Dementia and is the decedent with regards to the underlying cause of action.

3. Defendant, Sunrise Senior Living Management, Inc., (“Sunrise of Des Peres”) (a skilled nursing facility) is a Virginia Corporation, duly registered with Secretary of State for the State of Missouri, doing business in the County of Saint Louis, with the ability to sue and be sued, having its principal place of business at 13460 Manchester Road Des Peres, MO 63131.

- b. Bruises from both legs from her knees down to her ankles.
- c. Bruises on both arms from her elbows to her hands.

11. Due to the extent of these injuries, Margaret needed assistance with tasks she was normally able to perform such as feeding herself.

12. On Monday, July 16th, 2018, Ms. Hanna called, Reminiscence Coordinator Cliffie Rucker, regarding a care plan. Cliffie said that there was nothing to report and that care plans were conducted on Wednesdays. Cliffie continued to fail to inform Ms. Hanna of Margaret's July 14<sup>th</sup>, 2018 fall.

13. On Tuesday, July 17th, 2018, Ms. Hanna received a voicemail from the wellness department requesting that she call them back. Ms. Hanna called back over 11-times and was placed on hold for over 40 minutes. When speaking with Sunset at Des Peres employee Shawnta, Ms. Hanna was informed that Margaret "fell again". Ms. Hanna was unaware of the July 12th fall. That evening at approximately 5:30 p.m., Ms. Hanna visited Margaret and upon arrival found her slouching in a wheelchair at a table with her skirt hiked up to her hips. She was unable to use flatware, lift her arms, or swallow food.

14. On Wednesday, July 18th, 2018, Ms. Hanna had a care plan review with Cliffie regarding Margaret's bruising, inability to eat, and her clothes not being laundered among other medical issues.

15. On Thursday July 19th, 2018, Ms. Hanna visited her mother while a caretaker was attempting to feed her breakfast. Margaret was so weak that she was unable to drink water and could barely lift her head or communicate. The caretaker feeding her failed to accommodate her inability to swallow and kept packing food into her mouth until the food began falling out onto her clothes.

16. Due to the inadequate care being rendered by the staff at Sunrise of Des Peres, Ms. Hanna was forced to remove Margaret from Sunrise and place her back into the care of Peace Haven.

17. On the evening of July 28, 2018, as a direct and proximate result of Defendant's negligence, Decedent was found unresponsive in her bed, and Margaret was subsequently pronounced dead.

**COUNT I**  
(Negligence)

18. As a skilled nursing facility, it was Defendant's duty to use the highest degree of care to prevent injury to its residents while providing 24-hour a day medical care as ordered by its resident's doctors.

19. Under the doctrine of respondent superior, Defendant, Sunrise of Des Peres, is liable for the negligent acts of its employees.

20. Defendant knew or in the exercise of the highest degree of care should have known that its failure to change Margaret's bandages and lack of medical care following her fall would cause substantial harm to her, including the risk of death.

21. Defendant breached this duty by carelessly, negligently, and against the orders of Margaret's daughter, failing to adequately perform minimally necessary first aid, failing to secure her against subsequent falls, and failing to provide her with adequate and necessary hydration and nutrition.

22. But for the careless and negligent act of Defendant, Margaret would not have succumbed to the injuries sustained due to Defendant's negligence.

23. As a direct and proximate result of Sunrise Des Peres's negligence and carelessness, Ms. Hanna has suffered in the form of loss of companionship, mental suffering, funeral expenses,



ambulance costs, end of life expenses, decedent's room and board costs, and the attorney's fees and costs associated with the bringing of this action.

WHEREFORE, Plaintiff prays that this court enter a Judgment finding Sunrise Des Peres liable for their negligence acts; that Sunrise Des Peres pay to Plaintiff her pecuniary losses suffered by Plaintiff related to the death of Decedent, including but not limited to funeral expenses, attorney's fees and costs associated with the bringing of this action; and for such other and further orders as this Court deems just and proper.

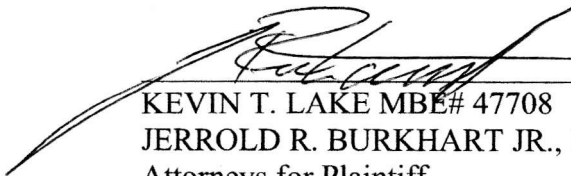
**COUNT II**  
(Wrongful Death)

24. Petitioner restates and incorporates paragraph 1 through 22 as if fully plead herein.

25. But for the negligent acts of Sunrise of Des Peres, Margaret would not have died on July 28<sup>th</sup>, 2018, and Decedent would have been entitled to recover damages from Sunrise of Des Peres in respect to the injuries caused thereby.

WHEREFORE, Plaintiff prays for Judgment for fair and reasonable damages against defendant for the wrongful death of decedent and for damages for the aggravating circumstances of Plaintiff's decedent's death, for Plaintiff's costs incurred herein, and for such other and further orders as this Court deems just and proper.


LAKE MUNRO, L.L.C.,



KEVIN T. LAKE MBE# 47708  
JERROLD R. BURKHART JR., MBE# 69988  
Attorneys for Plaintiff  
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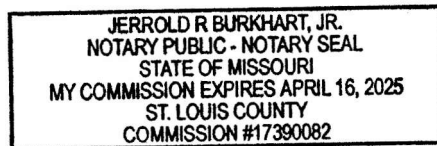
STATE OF Missouri )  
 )  
COUNTY OF St. Louis ) SS.


Ellen Hanna, being first duly sworn on oath, deposes and states she is the Plaintiff in the above-entitled cause and that the facts contained herein are true according to the best of her knowledge, information and belief.

  
Ellen Hanna, Plaintiff

Subscribed and sworn to before me this 23 day of July, 2021.

My commission expires: 4-16-25



  
Notary Public



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: KRISTINE A KERR	Case Number: 21SL-CC03315
Plaintiff/Petitioner: ELLEN HANNA	Plaintiff's/Petitioner's Attorney/Address JERROLD RUSSELL BURKHART 7777 BONHOMME AVENUE SUITE 1501 CLAYTON, 63105
Defendant/Respondent: SUNRISE SENIOR LIVING MANAGEMENT, INC.	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Wrongful Death	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: SUNRISE SENIOR LIVING MANAGEMENT, INC.

Alias:

REG AGENT C/T CORP  
120 S. CENTRAL AVE. #400  
CLAYTON, MO 63105

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

26-JUL-2021

Date

Further Information:  
MT

*Joan P. Dineen*  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public



**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Twenty First Judicial Circuit

## NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

### **Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

### **Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

### **Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the “neutral,” who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator’s decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

## **County Satellite Court Now Open in St. Ann**

**Hours: Mon-Fri 8:30 a.m. to 5:00 p.m. FREE PARKING**

For the convenience of North County residents, a satellite branch of the St. Louis County Circuit Court is now open at the St. Louis County Government Center Northwest at the 715 Northwest Plaza Drive in St. Ann.

### **Attending Court Hearings Remotely using E-Courts**

If you are scheduled to appear in court, you can access the courtroom remotely using the public computer stations (E-courts) in St. Ann and Clayton. These are available for use when courtroom access is restricted due to the pandemic.

**Please note:** Hearings for juvenile and paternity cases are confidential, and can only be accessed from the Clayton E-court at this time.

**Be sure to bring your paperwork with you; you will need your case number, as well as the date, time and number of the Division where you are scheduled to appear.**

### **Filing Pleadings/New Petitions**

If you are representing yourself, you may file your paperwork at the St. Ann satellite court, in addition to the Clayton courthouse, using the secure drop box located inside the Court reception area.

### **Filing Orders of Protection**

Starting March 1, you may file for an Order of Protection at the Adult Abuse office in the St. Ann satellite court, in addition to the Clayton courthouse. Clerks will be available on-site to help you fill out and file the necessary paperwork.

**For more information call: 314-615-8029**





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: KRISTINE A KERR	Case Number: 21SL-CC03315
Plaintiff/Petitioner: ELLEN HANNA	Plaintiff's/Petitioner's Attorney/Address JERROLD RUSSELL BURKHART 7777 BONHOMME AVENUE SUITE 1501 CLAYTON, 63105
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COURT SEAL OF



ST. LOUIS COUNTY

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Date

Further Information:

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Clerk

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

BONNIE LOVE (name) AUTHORIZED TO ACCEPT (title).

☐ other \_\_\_\_\_Served at 120 S. CENTRAL AVE, ST. LOUIS, MO, 63105 (address)in ST. LOUIS (County/City of St. Louis), MO, on 8/5/2021 (date) at 2:35 PM (time).CHRISTOPHER RUHLAND

Printed Name of Sheriff or Server

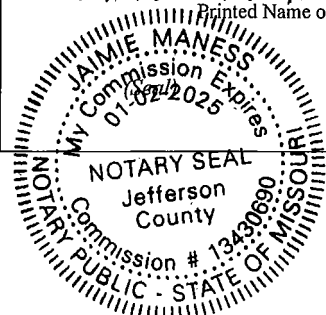
CHR 24h

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on 8/9/2021 (date).My commission expires: 1/2/2025 Date

Jaime Maness  
Notary Public



**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

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